

IAP4 Rec'd PTO 19 DEC 2005

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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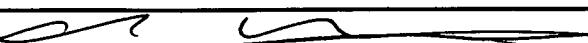
## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/542,966
	Filing Date	July 20, 2005
	First Named Inventor	Guillermo J. Tearney
	Art Unit	To be assigned
	Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number 034717/US/2 - 475387-00177	

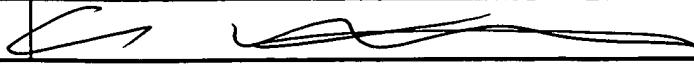
<b>ENCLOSURES (Check all that apply)</b>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Remarks</div>	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="margin-top: 5px;">Copy of Missing Parts Notice, executed Declaration, Statement Under 37 CFR 3.73(b) and Return Receipt postcard</div>

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DORSEY & WHITNEY, LLP Gary Abelev, Esq. (Reg No. 40,479)	
Signature		
Date	December 14, 2005	

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Gary Abelev, Esq.		
Signature			Date
			December 14, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Effective on 12/08/04

DEC 19 2005

**FEE TRANSMISSION SHEET  
(FY 2005)**

 Applicant claims small entity status (see 37 C.F.R. 1.27)

**METHOD OF PAYMENT (Check One)**
 Check       Credit Card       Money Order  
 Deposit Account No.: **50-2054**
Deposit Account Name: **DORSEY & WHITNEY LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17  
 Credit any overpayments  
 Other (please identify): \_\_\_\_\_

**Extra Claim Fees**

Current Claims	Prior	Extra	Fee	Fee Paid
Total	-	=	x \$	= \$
Ind.	-	=	x \$	= \$
Multiple Dependent Claims		x	\$	= \$
<b>Subtotal (Extra Claims)</b>				<b>\$</b>

**Petition Fee Under 37 CFR 1.17(f), (g), & (h)**

Enclosed is a Petition filed under 37 CFR as indicated below:

<input type="checkbox"/> Petition Fee under 37 CFR 1.17(f)	<b>Fee \$400</b>
§ 1.53(e) § 1.57(a) § 1.182 § 1.183 § 1.378(e) § 1.174(b)	to accord a filing date. to accord a filing date. for decision on a question not provided for. to suspend the rules. for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent. to accord a filing date to an application under § 1.740 for extension of patent term.
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(g)	<b>Fee \$200</b>
§ 1.12 § 1.14 § 1.47 § 1.59 § 1.103(a) § 1.136(b) § 1.295 § 1.296 § 1.377 § 1.550(c) § 1.956 § 5.12 § 5.15 § 1.5.25	for access to an assignment record. for access to an application. for filing by other than all inventors or person not the inventor. for expungement of information. to suspend action in an application. for review of a request for ext. of time when § 1.136(a) not avail. for review of refusal to publish a statutory invention registration. to withdraw a req. for pub. after notice of intent to publish issued. for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent. for request for ext. of time in <i>ex parte</i> reexam. proceedings. for request for ext. of time in <i>ex parte</i> reexam. proceedings. for expedited handling of foreign filing license. for changing the scope of a license. for retroactive license.
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(h)	<b>Fee \$130</b>
§ 1.19(g) § 1.84 § 1.91 § 1.102(d) § 1.138(c) § 1.313 § 1.314	to request documents in a form other than provided in this part. for accepting color drawings or photographs. for entry of a model or exhibit. to make an application special. to expressly abandon an application to avoid publication. to withdraw an application from issue. to defer issuance of a patent.

Submitted by:

CUSTOMER NUMBER <b>30873</b>	DORSEY & WHITNEY LLP	250 Park Avenue New York, NY 10177
Name: <b>Gary Abelev, Esq.</b>	Phone No.: <b>212-415-9371</b>	Fax No.: <b>212-953-7201</b>
Signature: 	Reg. No.: <b>40,479</b>	Date: December 14, 2005

**Complete if Known**

Application No.	10/542,966
Filing Date	July 20, 2005
First Inventor	Guillermo J. Tearney
Group Art Unit	To be assigned
Examiner Name	To be assigned

Atty. Docket Number **034717/US/2 – 475387-00177**
**FEE CALCULATION (Continued)**
**3. ADDITIONAL FEES**

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	65
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revive – unavoidable	
1,500	750	Petition to Revive – unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	
OTHER FEE (specify)			

**Subtotal (Additional Fees)****Total Amount of Payment: \$ 65**



Docket: 034717/US/2 -  
475387-00177

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Guillermo J. Tearney	
Appln. No.:	10/542,966	
Filed:	July 20, 2005	Examiner: TBD
Title:	MICROSCOPE OBJECTIVES	Group Art Unit: TBD

**RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 37 C.F.R. § 1.53(b)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this day of December 14, 2005.

  
(Signature)

Sir:

This paper is filed in response to the Notification of Missing Requirements ("Notification") mailed December 2, 2005 for the above-identified application. Enclosed herewith, please find an executed Declaration, a Power of Attorney and a Statement Under 37 C.F.R. 3.73(b) which is filed herewith for responding to the Notification. A check in the amount of \$65.00 is enclosed.

A copy of the Notification is enclosed.

12/23/2005 MKAYPAGH 00000149 10542966

01 FC:2617

65.00 OP

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: December 14, 2005

By 

Gary Abelev (Reg. No. 40,479)  
DORSEY & WHITNEY LLP  
250 Park Avenue  
New York, New York 10177-1500  
(212) 415-9371



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/542,966	Guillermo J Tearney	034717/US/2-475387-00177
		INTERNATIONAL APPLICATION NO.
30873 DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT 250 PARK AVENUE NEW YORK, NY 10177	Patent Mail Received	PCT/US04/01499
	DEC 06 2005	I.A. FILING DATE      PRIORITY DATE 01/21/2004      01/21/2003
<b>CONFIRMATION NO. 2595</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000017569222*		

Date Mailed: 12/02/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/20/2005
- Copy of the International Search Report filed on 07/20/2005
- Preliminary Amendments filed on 07/20/2005
- Information Disclosure Statements filed on 07/20/2005
- Request for Immediate Examination filed on 07/20/2005
- U.S. Basic National Fees filed on 07/20/2005
- Assignment filed on 07/20/2005
- Priority Documents filed on 07/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

**DOCKETED**  
2/2/06

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

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Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/542,966	PCT/US04/01499	034717/US/2-475387-00177

FORM PCT/DO/EO/905 (371 Formalities Notice)